

REMARKS

In the last Action, restriction was required between claims 1-6 and 9-15 drawn to a method of fabricating a three dimensional microstructure and claims 7, 8 and 16-20 drawn to a focused charged particle beam. The Examiner stated that the two inventions are patentably distinct from each other, thereby making restriction proper. Applicant was required to elect one of the two inventions for further prosecution in this application.

In response to the restriction requirement, applicant has provisionally elected the invention of Group I drawn to a method of fabricating a three dimensional microstructure and submits that claims 1-6 and 9-15 are readable on the elected invention. The non-elected claims have been retained in the application pending possible withdrawal of the restriction requirement or applicant's decision to pursue the subject matter thereof in a continuing application.

In light of the foregoing, early and favorable
action on the merits is respectfully requested.

Respectfully submitted,

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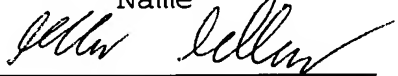
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July 13, 2006

Date